



Entered on Docket
November 04, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

Robert M. Charles, Jr. (NV 6593)
John Hinderaker (AZ 018024)
Marvin Ruth (NV 10979)
3993 Howard Hughes Parkway, Ste. 600
Las Vegas, Nevada 89169-5996
Telephone (702) 949-8320
Facsimile (702) 949-8321
Email: rcharles@lrlaw.com
jhinderaker@lrlaw.com
mruth@lrlaw.com

Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR
Chapter 11

**Order Sustaining Second Omnibus
Objection Of USACM Trust To Proofs Of
Claim Based In Part Upon Investment In
The HFAH Asylum, LLC Loan**

Hearing Date: September 30, 2011
Hearing Time: 9:30 a.m.

The Court having considered the "Second Omnibus Objection Of USACM Trust To Proofs Of Claim Based In Whole or In Part Upon Investment in The HFAH Asylum, LLC Loan." ("HFAH Asylum, LLC Loan") [DE 8862] (the "Objection"); the Court having heard the Objection on September 30, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; the Court noting on the record that the disallowance of the Claims listed on **Exhibit A** does not affect the direct lenders'

1 right to repayment by the borrower or from the collateral securing the HFAH Asylum,
2 LLC Loan; and good cause appearing:

3 **IT IS ORDERED:**

- 4 1. The Objection [DE 8862] is sustained; and
5 2. The claims listed on **Exhibit A** attached are 30% allowed and 70%
6 disallowed to the extent those claims are based upon an investment in the HFAH Asylum,
7 LLC Loan.

8
9 PREPARED AND RESPECTFULLY SUBMITTED BY:

10 **LEWIS AND ROCA LLP**

11
12 By /s/ John Hinderaker (AZ #018024)

13 Robert M. Charles, Jr.
14 John Hinderaker (*pro hac vice*)
15 3993 Howard Hughes Parkway, Ste. 600
16 Las Vegas, Nevada 89169-5996
17 Telephone: (702) 949-8320
18 Facsimile: (702) 949-8321

19 *Attorneys for USACM Liquidating Trust*
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LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

- _____ This Court has waived the requirement set forth in LR 9021(b)(1).
- XXX No party appeared at the hearing or filed an objection to the motion.
- _____ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: _____

_____ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapprove d the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapprove d the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:
LEWIS AND ROCA LLP

By: /s/ John Hinderaker. (AZ #018024)
Attorneys for USACM Liquidating Trust

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Claim	Name	Address	Total Claim Amount	Approximate Amount Related to an Investment In the HFAH Asylum LLC Loan	Amount Disallowed (70%)	Amount Allowed (30%)
10725-01445	Brehmer, Hannah	188 Beacon Hill Dr. Ashland, OR 97520	298,569.00	75,000.00	52,500.00	22,500.00
10725-01973	Charles Henry Small Revocable Living Trust	Charles H Small Tee 12450 E 38Th Place Yuma, AZ 85367	272,896.04	50,000.00	35,000.00	15,000.00
10725-01579	Cielen, James	2880 Bicentennial Pkwy Ste 100-223 Henderson, NV 89044	43,750.00	12,500.00	8,750.00	3,750.00
10725-02190	Colborn Revocable Living Trust Dtd 8/6/90	Larry E & Loretta A Colborn Ttees 1127 Broken Wagon Trail Dewey, AZ 86327	488,408.12	50,000.00	35,000.00	15,000.00
10725-02063	Dery, James D & Ann R Husband & Wife	10 Longmeadow Ln Beachwood, OH 44122	2,793,347.72	100,000.00	70,000.00	30,000.00
10725-01231	Fuller, David & Monica	955 Mullen Henderson, NV 89044	215,404.36	100,000.00	70,000.00	30,000.00
10725-01971	Goode, James Paul	92-1500 Makakilo Drive Kapolei, HI 96707	1,417,522.98	50,000.00	35,000.00	15,000.00
10725-02286	Handal, John A M	3575 Siskiyou Ct Hayward, CA 94542	1,422,945.46	250,000.00	175,000.00	75,000.00
10725-00702	Lacertosa, Anna	49 Elm St Valley Stream, NY 11580-5007	100,000.00	50,000.00	35,000.00	15,000.00
10725-00701	Lacertosa, Anna & Marie	49 Elm St Valley Stream, NY 11580-5007	100,000.00	50,000.00	35,000.00	15,000.00